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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tomowaki Takahashi

Serial No. 10/734,133

Group Art Unit: NOT ASSIGNED

Confirmation No.

Filed: December 15, 2003

Examiner: NOT ASSIGNED

For: CATADIOPTIC REDUCTION PROJECTION OPTICAL SYSTEM AND EXPOSURE
APPARATUS HAVING THE SAME

RESPONSE TO DECISION ON PETITION

Mail Stop Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On July 2, 2004, a Decision on Petition was mailed granting the instant application a filing date of December 15, 2003. However, the Decision indicated that the Specification and drawings were present in the Office at the time of filing in the parent application, but did not acknowledge that the Specification and drawings were included in the application as filed on December 15, 2003. In making this determination, the Decision does not address the findings of the Decision on Petition mailed June 7, 2004, which acknowledged receipt of a date stamped postcard which corroborates the applicants having filed the complete application including the Specification and drawings on December 15, 2003.

Moreover, the Decision of July 2, 2004 does not address the following facts which corroborate the December 15, 2003 receipt by the United States Patent and Trademark Office of the Specification and Drawings and which are set forth in the Petition filed April 14, 2004:

- 1) Declarations that further confirm that the application was filed with full Specification and drawings on December 15, 2003; and
- 2) a copy of a cashed check dated December 15, 2003 in the amount of \$4720.00 that accompanied the specification and drawings when filed.

Courtesy copies of the Declarations, the Specification and drawings, the date stamped postcard, and the cashed check are again provided for the convenience of the Examiner. A copy of the Petition can be provided, but is otherwise of record.

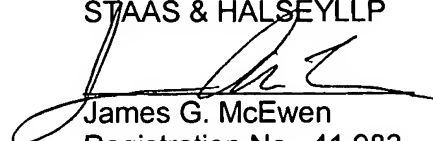
It is respectfully submitted that, in view of evidence of record, the Specification and drawings submitted with the Petition filed on June 10, 2004 and the Petition filed on April 14, 2004 were filed in the United States Patent and Trademark Office on December 15, 2003, and were filed separately from the copy also found with serial number 09/766,486. It is respectfully requested that the Office acknowledge receipt of the same and that no preliminary amendment is required in order to submit the drawings previously filed on December 15, 2003.

It is further requested that the \$130 Petition fee be refunded should the Petition be granted.

Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,

STAAS & HALSEYLLP



James G. McEwen
Registration No. 41,983

1201 New York Avenue, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500

Date: JULY 9, 2004

Docket No. 1539.1004rec

COPY OF DRAWINGS AS FILED DECEMBER 15, 2003 AND WITH PETITION

Serial No. 10/734,133

Docket No. 1539.1004rec

COPY OF DECLARATIONS AS FILED WITH PETITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Declaration In Support of Petition

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Victor Del Rio, declare as follows:

1. I am an employee of Staas & Halsey, LLP, and am in charge of maintaining and updating our docketing records.
2. Among other responsibilities, I review papers to be filed and present the same to our regular and daily courier for filing at the United States Patent and Trademark Office.
3. Prior to presenting papers to be filed, a review of the papers is performed to determine whether the documents listed on the Postcard correspond to the documents being filed. As contemporaneous evidence of this review, our docketing system is updated to reflect what papers are being filed using our daily courier.
4. On December 15, 2003, I received an application to be filed from one of our law firm attorneys, James G. McEwen. This application included a Continuation Application Transmittal form; Fee Transmittal Form; Specification, drawings, Preliminary Amendment; Consent of Assignee; Reissue Application Declaration; Information Disclosure Statement; PTO Form 1449; Attachment 1(f); Attachment 1 (g); and Cheque for \$4720.00 consistent with the Postcard. A print out of our docketing system confirming that these items were presented to our daily courier for filing is enclosed.

5. On December 15, 2003, we provided our daily courier with the application for filing on December 15, 2003. We subsequently received a Postcard that was date stamped by the Office of Initial Patent Examination evidencing receipt of the application, and did not receive an indication from our courier that some of the documents were not filed.

The Declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

By: 
Victor Del Rio

Date: 4/13/04

04/13/2004

Patent Information Print

Docket No	1539.1004REC	Conv Type	
Country	United States	Tax Base Dt	
Case Type	Regular	Pat Proofing	
Relation Type	Continuation	Next Tax Dt	
Filing Type	National	Foreign Agent	
Filing Number		Assignee No.3	
Billing Attorney		Assignee No.4	
Original Atty		Assignee No.5	
Client\Division	----	Techncl Editor	
Assignee No.1		Client Ref No	
Assignee No.2		Add Prio Appln No	198350/1994
Client Refer. No.		Add Prio Fil Dt	08/23/1994
Status	Filed	Add Pri App No	5,861,997
Prio Filing Dt	08/23/1994	Add Prio Fil Dt1	01/19/1999
Sub Stat		Assig 1:Reel/Frame	
Sub Stat Dt		Record Date 1	
Priority Country	United States	Assig 2 Reel/Frame	
Parent Filing Dt	01/19/2001	Record Date 2	
Prior Appln No.	09/766,486 6106	Intrntl Class	
Prio Issued Dt		U.S. Class	
Total Claims		No. of Pages	
Ind. Claims	9	Grp Art Unit	2873
Serial #	10/734,133	Verified	N
Filing Date	12/15/2003	Customer	SNPP
Patent No		Create Dt	12/08/2003
Issued Dt		Update Dt	04/12/2004
Publication #		Update Tm	0827
Publication Dt		Update User	JDB
Entity Status		Update Type	
Expiration Dt			

Actions

Action	Not Crrctd App Pprs Mail Dat	Comp Dt	04/09/2004
Act Due Date	04/07/2004	Patent Proofer	
DeadLn Dt		Last Resp Atty	
Action	Corrected Papers Due	Comp Dt	
Act Due Date	06/07/2004	Patent Proofer	
DeadLn Dt	06/07/2004	Last Resp Atty	

Act Notes

A NEWLY EXECUTED OATH OR DECLARATION

Action		Comp Dt	
Act Due Date		Patent Proofer	
DeadLn Dt		Last Resp Atty	

Action		Comp Dt	
Act Due Date		Patent Proofer	
DeadLn Dt		Last Resp Atty	

Action	Application Filed	Comp Dt	12/15/2003
Act Due Date		Patent Proofer	
DeadLn Dt		Last Resp Atty	

Act Notes

(28) CONT. APPLN TRANS FEE TRANSMITTAL SPEC, DWGS, PRELIM
 AMEND CONSENT OF
 ASSIGNEE REISSUE APPLN DECLAR IDS, PTO-1449 ATTAC
 H 1(f) & (g) CK \$4720.00

Inventors

Inv Name	TOMOWAKI TAKAHASHI
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Related Id

System	Patent	RL Type	
Docket No	1539.1004RE	Filing Type	
Ctry	US	Filing No	
CS Type		Remarks	

System	Patent	RL Type	C
Docket No	1539.1004REC	Filing Type	
Ctry	US	Filing No	
CS Type		Remarks	

Title

CATADIOPTRIC REDUCTION PROJECTION OPTICAL SYSTEM AND EXPOSURE APPARATUS HAVING THE SAME

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Declaration In Support of Petition

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Kevin Ford, declare as follows:

1. I am a courier who received the instant application for filing from Victor Del Rio, an employee of Staas & Halsey, LLP, on December 15, 2003.
2. In accordance with instructions from Mr. Del Rio, I filed all papers and documents provided to me for filing at the United States Patent and Trademark Office on December 15, 2003.
3. For each paper filed having a Postcard such as that for the instant application, I returned a date stamped Postcard. The Postcard for each paper is date stamped by a receiving office at the United States Patent and Trademark Office. For the instant application, the receiving office was the Office of Initial Patent Examination as evidenced by the date-stamped Postcard.
4. I have not subsequently discovered any documents relevant to the instant application which should have been filed on December 15, 2003, but which were not filed for any reason

Serial No. 10/734,133

Docket No. 1539.1004rec

The Declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

By: Kevin Ford
Kevin Ford

Date: 4-13-04

COPY OF SPECIFICATION AS FILED DECEMBER 15, 2003 AND WITH PETITION